IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 5678(S/S)2001
(Old no. 17972 of 1991)

Jagannath Prasad Raturi S/o Sri Thepar Ram Raturi,
Resident of A-1587, Vir Bhadra, I.D.P.L.,
Rishikesh, District Dehradun. ---- Petitioner.

Vs.

1. The Indian Drugs & Pharmaceuticals Ltd,
   (A Govt. of India Undertaking), through
   its Managing Director, P.B. 3816. New Delhi,
2. Indian Drugs & Pharmaceuticals Ltd.
   Vir Bhadra, Rishikesh District Dehradun,
   Through its General Manger,
3. The Personnel Executive, Transport Deptt.
   I.D.P.L., Vir Bhadra, Rishikesh District Dehradun,
4. The Personnel Manager, Indian Drugs and
   Pharmaceutical Ltd. Vir Bhadra, Rishikesh,
   District Dehradun. ----Respondent.

Sri S.N. Babulkar, learned Senior Counsel for the petitioner,
Sri V.K. Bisht, learned Sr. Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.N. Babulkar, learned Senior Counsel for the petitioner and Sri V.K. Bisht, learned Sr. Counsel for the respondents.

Both the parties are agree that the writ petition may be disposed of at the admission stage itself.

My means of this writ petition, the petitioner has prayed for the following reliefs:-

a. To issue a writ, rule, order or direction in the nature of certiorari quashing the impugned orders of retirement

dated 05.01.1991 of the respondent no. 3 (annexure no.-8 and 31.05.1991 of respondent no. 4 (annexure no. 11),

b. To issue a writ, rule, order or direction in the nature of mandamus direction the respondents to allow the petitioner to continue on the post of Driver in I.D.P.L. Vir Bhadra, Rishikesh, District Dehradun till August, 1995 and pay salary month to month,
c. To issue any other suitable writ, rule, order or direction deemed fit and proper,
d. To award the costs of this petition.

Stand of the petitioner is that the petitioner has been directed by the respondents to be retired from service after completion of 58 years' of his age whereas he should have been retired after completing 60 years' of age. The respondents have filed counter affidavit. In para-3 of the counter affidavit, the respondents have refuted the version of the petitioner with the following statement:-

"That with regard to the contents of paragraph 1 and 2 of the petition, it may be stated that the petitioner was subsequently issued a letter of appointment dated 7th/8th November 1967 for the post of Driver. Paragraph 3 of the said letter clearly stipulated that the service of the petitioner will be governed by the Service Rules of the Company. It is, however, incorrect to state that the petitioner is still working as a Driver. In this regard it may be relevant to state here that he petitioner had attained the age of superannuation i.e. 58 years on 15th June 1991 and as such in accordance with the Rule of I.D.P.L., he retired from service with effect from 30 June 1991. The petitioner is now no longer in the service of I.D.P.L....."

Thus from the above mentioned statement made in the counter affidavit, it is apparent that at the relevant time when the petitioner has been directed to be retired, the age of superannuation was 58 years in the respondents' establishment, therefore, the petitioner has rightly been directed to be retired after completing age of 58 years. Furthermore, the petitioner is no longer in service and has been retired w.e.f. 30th June 1991 after completing his age of superannuation i.e. 58 years.

Thus keeping in view the statement made in the counter affidavit, the writ petition ha become infructuous.

Accordingly, the writ petition is dismissed being infructuous.

(M.M. Ghildiyal, J.)

May 9,2007:
NCM: